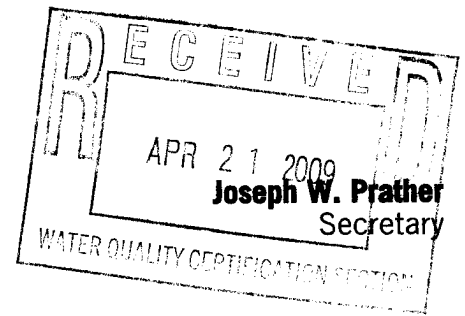




**Steven L. Beshear**  
Governor

**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.transportation.ky.gov/



April 20, 2009

Mr. William James (CELRN-OP-F)  
Chief- Regulatory Branch  
U.S. Army Corps of Engineers - Nashville District  
3701 Bell Road  
Nashville, TN 37214

Mr. Alan Grant  
Supervisor, WQC Section  
Kentucky Division of Water  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

Subject: Application for Section 404/Pre-Construction Notification  
and 401 Water Quality Certification  
Kentucky Highway 61 Realignment Project  
Logan County, Kentucky  
KYTC Item No: 3-1066.00

Dear Ms. Devine and Mr. Grant:

The Kentucky Transportation Cabinet (KYTC) respectfully submits this application requesting approval under Section 404/401 of the Clean Water Act. We have reviewed the impacts and find that they meet the conditions of an Nationwide permit.

1280  
AJ

The project concerns a bridge replacement/relocation over Whippoorwill Creek on County Road 5280 in Logan County, Kentucky. The construction of the new bridge will result in NO FILL below ordinary high water mark (OHWM) however, the new piers will need to be stabilized with rip rap which will extend below OHWM. The resulting fill will result in 0.03 acres of fill in waters of the U.S. Currently the left descending bank is eroded and this project will alleviate that problem. The right descending bank is not currently eroded however the rip rap will be necessary in order to prevent scour around the pier during high water events as well as improve any instability created by the construction of the pier. Other construction impacts removing the old bridge and piers and stabilizing the banks. The current piers are not below OHWM however, the rip rap will extend below it. Total length of impact will be 290 feet of bank stabilization. Due to the nature of the work I am unsure whether I need to apply for a Nationwide 13 or 14.

The length of impact and acreage amount is below Notification thresholds except that Whippoorwill Creek is classified as an Outstanding State Resource Water as well as a Reference Reach and an Exceptional Water of the Commonwealth of Kentucky. This project will require an Individual Kentucky Pollutant Discharge Elimination System (KPDES) Permit. Sediment and erosion control above the standard specifications will be utilized and a site visit with the KPDES section of KDOW has been conducted and we have received verbal approval that the erosion and sediment control measures are approvable by their program. We are currently developing the application package for that program and I will forward that plan to your individual offices when it is finalized. This project will need to have permits issued by July 15, 2009 in order to make the letting date.

Section 106 of the National Historic Preservation Act for historic properties was addressed with the State Historic Preservation Office (SHPO) through completion of a cultural resources assessment of the project corridor. Please find the attached Memorandum of Agreement.



An Equal Opportunity Employer M/F/D

Section 7 of the Endangered Species Act has been addressed through the US Fish and Wildlife Service (USFWS), please find the attached concurrence letter.

If you have any questions or need additional information, please contact me at 502-564-7250 or by email: [Danny.Peake@ky.gov](mailto:Danny.Peake@ky.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Peake". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel R. Peake  
Division of Environmental Analysis  
Kentucky Transportation Cabinet

COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM  
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER:

KYTC

Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS: 200 Mero Street Frankfort KY 40622

TELEPHONE #: 502-564-7250 EMAIL: danny.peake@ky.gov

2. AGENT:

Give name of person(s) submitting application, if other than owner.

ADDRESS:

TELEPHONE #: EMAIL:

3. ENGINEER:

P.E. NUMBER:

Contact Division of Water if waiver can be granted.

TELEPHONE #: EMAIL:

4. DESCRIPTION OF CONSTRUCTION: CR 5280 bridge replacement over Whippoorwill Creek

Describe the type and purpose of construction and describe stream impact

5. COUNTY: Logan NEAREST COMMUNITY: Licksillet

6. USGS QUAD NAME Olmstead LATITUDE/LONGITUDE: 36-43-43/86-59-05

7. STREAM NAME: Whippoorwill Creek WATERSHED SIZE (in acres): 73780

8. LINEAR FEET OF STREAM IMPACTED: 290

9. DIRECTIONS TO SITE: County Road 5280 over Whippoorwill Creek

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? Yes ☐ No ☒ If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: \_\_\_\_\_
11. ESTIMATED BEGIN CONSTRUCTION DATE: July 1, 2009
12. ESTIMATED END CONSTRUCTION DATE: September 15, 2009
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? Yes ☐ No ☒ If yes, attach a copy of that permit.
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

- \_\_\_\_\_ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
- \_\_\_\_\_ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) \_\_\_\_\_ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

\_\_\_\_\_ Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

\_\_\_\_\_ Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: \_\_\_\_\_

\_\_\_\_\_ List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

17. I, DANNY PEARE (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS: \_\_\_\_\_

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: \_\_\_\_\_

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 4/15/2009

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR: \_\_\_\_\_

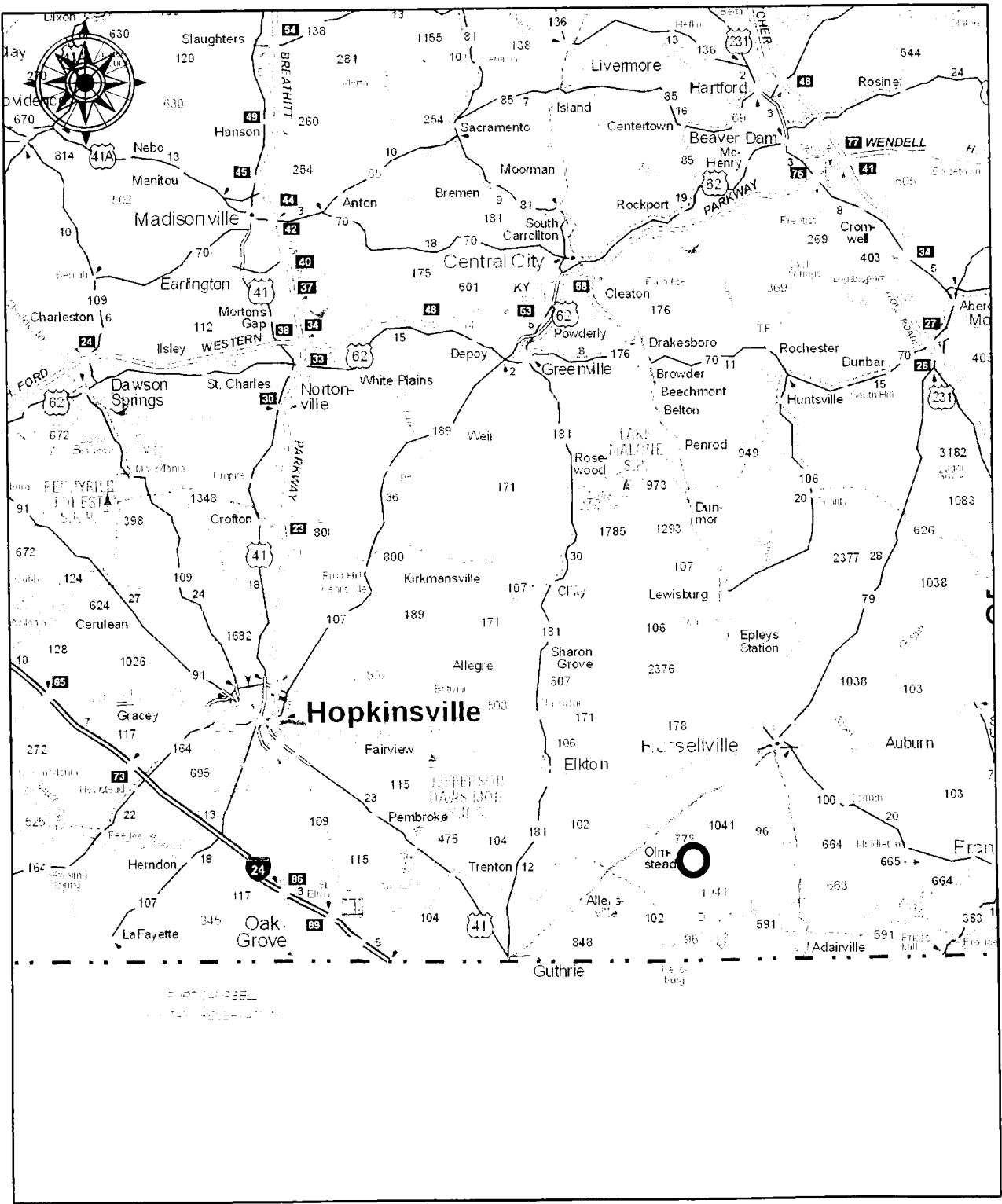
Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: \_\_\_\_\_

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section  
Division of Water  
14 Reilly Road  
Frankfort, KY 40601

Vicinity Map for County Road 5280 bridge replacement/relocation over Whipoorwill Creek



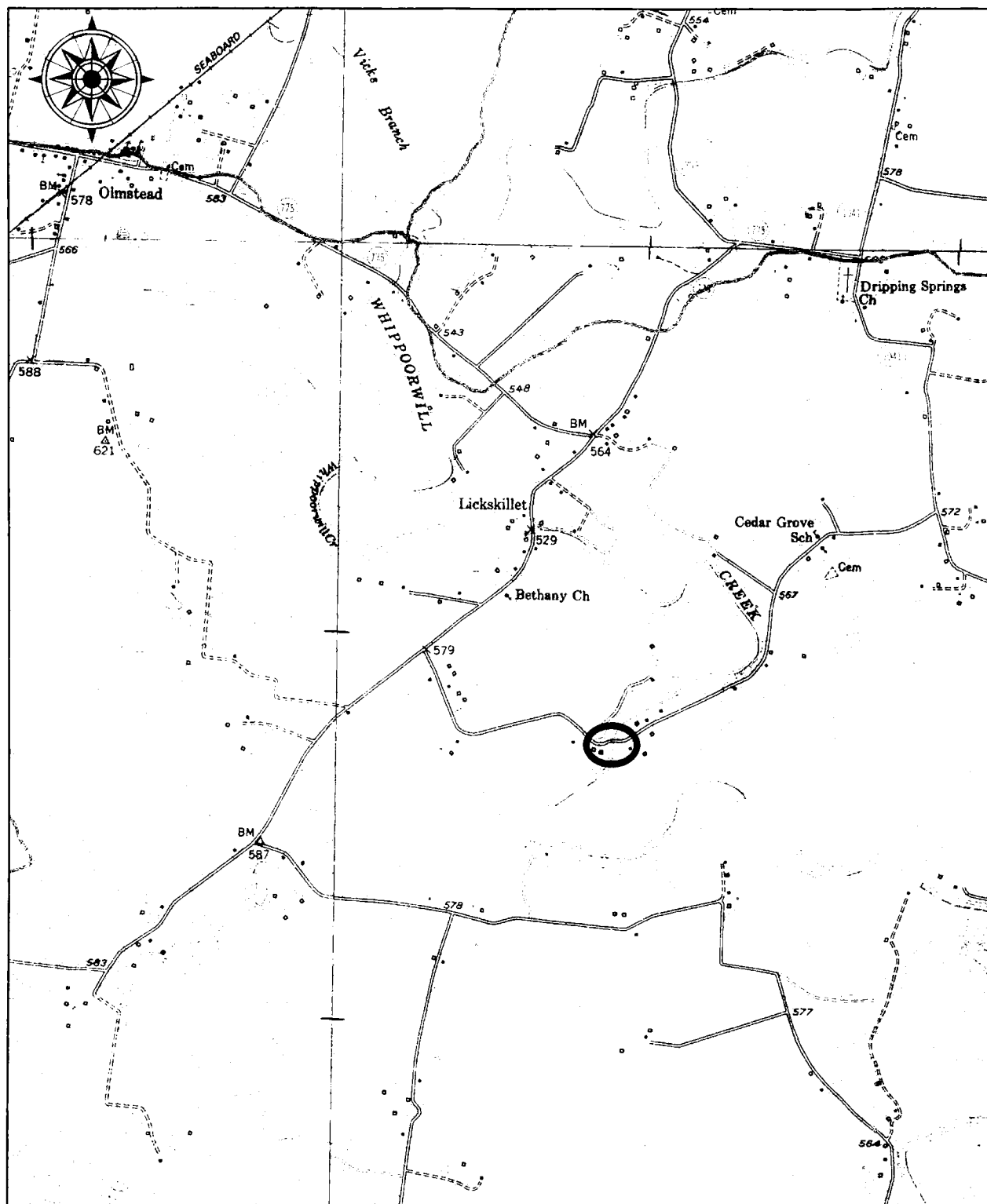
Logan County, KY  
Cumberland River Basin  
KYTC Item #3-1066.00

14 digit HUC Boundary = 05130206150110



Project Location

# County Road 5280 bridge replacement/relocation over Whipoorwill Creek



Logan County, KY  
Cumberland River Basin  
KYTC Item #3-1066.00



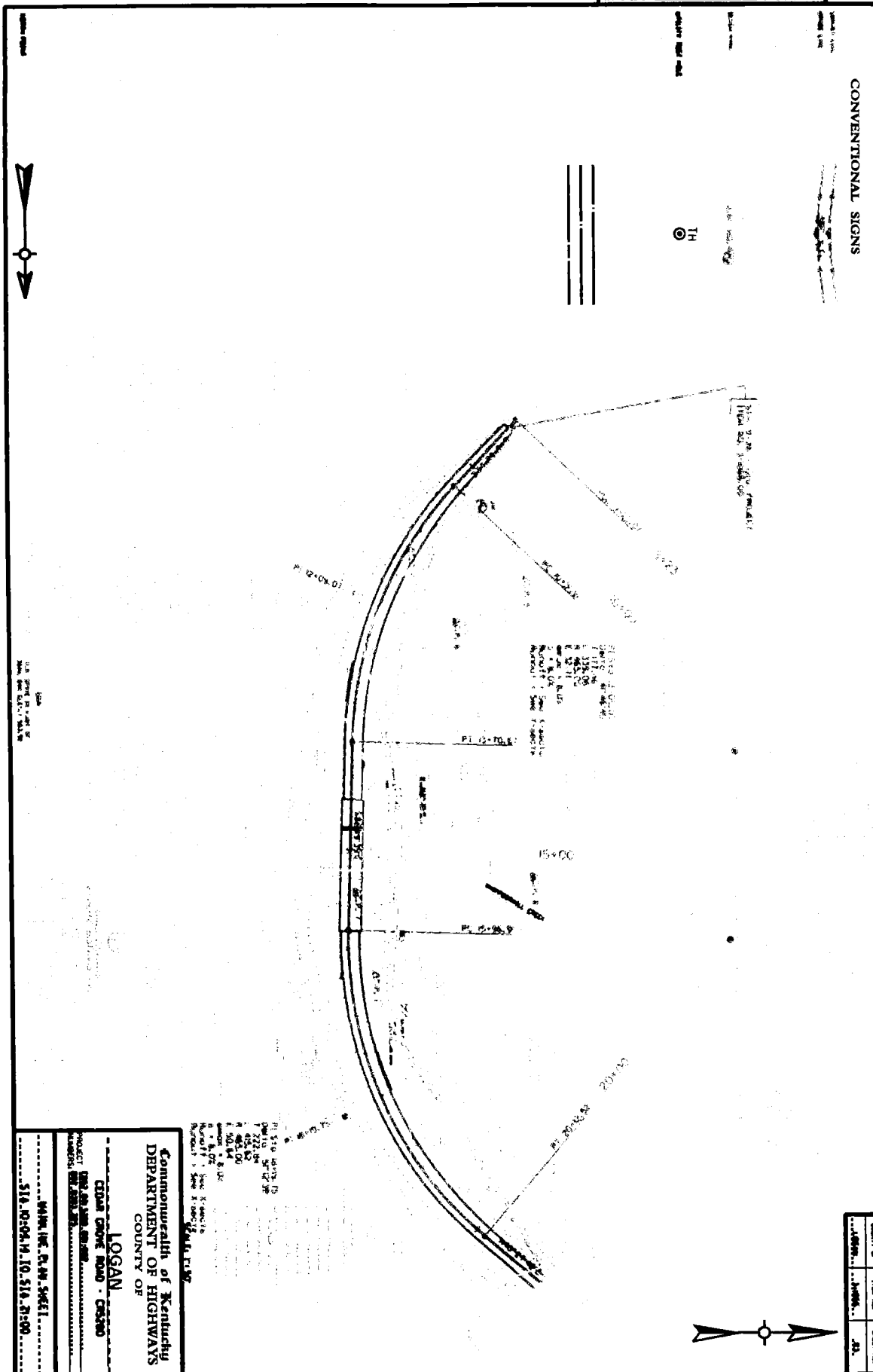
14 digit HUC Boundary = 05130206150110



Project Location

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

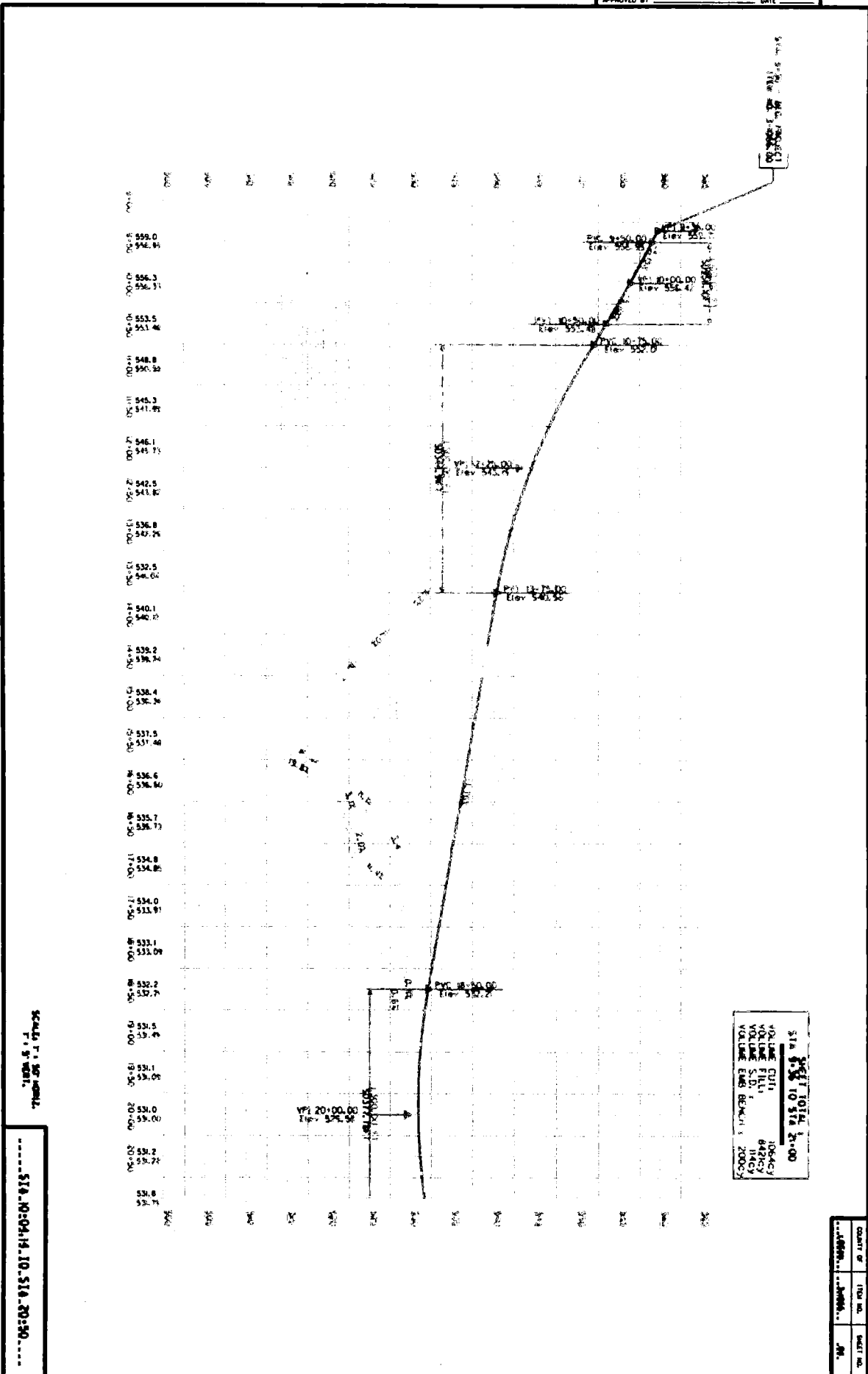
### CONVENTIONAL SIGNS



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 DATE: 0000DATE0000  
 FILE NAME: 0000designfile00specification0000  
 SHEET NAME: 0000000000

PREPARED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_





**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 4/15/2009**

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**  
Kentucky Transportation Cabinet, 200 Mero Street Frankfort KY 40622

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: KY County/parish/borough: Logan City: Licksillet  
Center coordinates of site (lat/long in degree decimal format): Lat. 36-43-43°  
Pick List, Long. 86-59-05 ° Pick List.

Universal Transverse Mercator:

Name of nearest waterbody: Whipoorwill Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 290 width (ft) and/or .03 acres.

Cowardin Class:

Stream Flow: perennial

Wetlands: 0 acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): 3-3-2009

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site.

Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: .
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
- ☐ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): .
- or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Other information (please specify): .

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

\_\_\_\_\_  
Signature and date of  
Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)

<b>Site number</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Cowardin Class</b>	<b>Estimated amount of aquatic resource in review area</b>	<b>Class of aquatic resource</b>
1	36-43-43	86-59-05		0.03 acre	non-section 10 – non-wetland

**KENTUCKY TRANSPORTATION CABINET  
MEMORANDUM OF AGREEMENT  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO 36 CFR Part 800.6(a)  
Replacement of the Bridge and Approaches of the  
CR 1280 (Cedar Grove Road) over Whippoorwill Creek  
Logan County, Kentucky  
Item No. 3-1066.00**

**WHEREAS**, the Federal Highway Administration (FHWA) and Kentucky Transportation Cabinet (KYTC) has determined that the replacement of the CR 1280 (Cedar Grove Road) bridge over Whippoorwill Creek in Logan County (The Project) will result in an effect upon the CR 1280 (Cedar Grove Road) bridge (the bridge), a property determined eligible by consensus agreement for inclusion in the National Register of Historic Places under Criterion C; and

**WHEREAS**, the FHWA has consulted with the Kentucky State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended, (16 U.S.C. 470f); and

**WHEREAS**, the KYTC participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA); and

**NOW, THEREFORE**, the FHWA and Kentucky SHPO agree that the Project shall be accomplished in accordance with the following stipulations in order to take into account the effect of the undertaking on an historic property.

**Stipulations**

The FHWA will ensure that the following measures are undertaken and completed:

**I. In situ Preservation or Relocation**

- A.** FHWA will offer the bridge to city, county, and state government agencies or recognized, SHPO-approved historic preservation organizations or private individuals, which agree to and accept the following terms:
1. If the bridge is preserved in place, the FHWA agrees to provide, on a reimbursable basis, a grant of funds to the SHPO to be administered by the SHPO, the amount of which shall not exceed the estimated cost for demolition of the bridge, for the purpose of rehabilitation and restoration as may be necessary for the continued use of the bridge;
  2. If the bridge is relocated, all costs for disassembly and transportation will be paid by the FHWA (not exceeding the estimated cost of demolition). All costs for the site preparation and bridge reassembly will be paid by the recipient.
  3. Accept responsibility for liability and maintenance of the bridge;

4. The recipient will keep intact the historic fabric of the bridge making no alterations or modifications to it without the written consent of the SHPO.
5. The bridge will be utilized for purposes consistent with its historic character; and
6. Obtain SHPO approval prior to any alteration, modification or construction.

**II. Marketing**

- A. In consultation with the SHPO, the KYTC shall prepare a marketing plan for the Project which shall include the following elements:

1. A Marketing Brochure providing information about the bridge, including but not limited to:
  - a) Photographs of the bridge
  - b) A bridge location map
  - c) Summary of the bridge's historic significance
  - d) Information on any costs to the recipient;
  - e) Information on any funds available to assist the recipient;
  - f) Notification that the recipient will be required to maintain the bridge or rehabilitate it as needed in accordance with the recommended approaches in The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (US Department of Interior, National Park Service, 1983); and
2. A distribution list of potential recipients;
3. An advertising plan and schedule. The Project shall be advertised in at least one statewide newspaper and one local newspaper;
4. A schedule for receiving and reviewing offers.

- B. Upon the SHPO's agreement with the marketing plan, the FHWA shall implement the plan.
- C. The FHWA and SHPO shall review all responses to the marketing plan. If the SHPO and FHWA determine that an acceptable proposal has been received, the FHWA shall accept the offer.
- D. The selected recipient must agree to accept delivery of the bridge within a period of time to be established by the FHWA and SHPO at the time of selection in order for the offer to remain valid. Any delays in acceptance of the bridge must be approved in advance by the FHWA and SHPO.
- E. If there are no responses to the marketing announcement or if no party acceptable to the SHPO and FHWA responds to the marketing announcement within the allotted time period, the SHPO and FHWA will consult and determine if further mitigation measures such as salvaging it for parts or items of architectural significance should be considered. If the SHPO and FHWA determine no further mitigation measures are warranted, then the bridge may be demolished.

**III. Recordation**

- A. Prior to salvage, demolition or relocation of the bridge, the following procedures shall be undertaken and completed by FHWA:
1. The SHPO will be advised and consulted.
  2. If salvage or demolition is ordered, the FHWA and SHPO will consider the practicality and feasibility of:
    - a. retaining for exhibit any significant architectural elements of the structure; and
    - b. incorporating significant architectural elements of the old bridge into the new bridge
  3. In order to preserve a record of it's history and appearance; the bridge will be recorded by a SHPO-approved, professional architect, historian or architectural historian, experienced in the documentation of engineering resources. State Level Documentation is specified and will include:
    - a) A Kentucky Historic Resource Individual Survey form (KHC 91-1) and Intensive Survey Form (KHC 91-3), completed or updated as appropriate;
    - b) Utilizing an archival search and gathering specific historic information from appropriate data sources, a brief report describing the history and architectural significance of the bridge and history of the area or neighborhood will be prepared to accompany the inventory form.
    - c) The bridge will be photographically documented with a series of digital color images, and black and white photographs showing it's architectural and structural elements (including portal views, barrel shots, interior web, upper and lower chord connections, hanger and floor beams), surrounding environmental setting, views from each approach and any other significant, character defining details. Photographs should be printed on 5" x 7" archival quality, acid free paper. Each photo will be labeled with the date, site number, direction, and subject. Photographs, a CD of the digital images, and all negatives shall be provided in notebook sleeves and submitted in a three-ring binder.
    - d) If available, a copy of the original construction plans and details and any other field plans or records maintained about the bridge shall be provided. If original plans are not available, measured drawings of the structure will be prepared by an architect or architectural historian experienced in producing measured drawings. This work shall be completed in accordance with Historic American Engineering Record (HAER) guidelines
    - e) The completed documentation will be submitted by the FHWA to the SHPO for review and acceptance. Upon notification of SHPO acceptance, the FHWA will provide a copy to a local agency, archive, university or preservation group designated by the SHPO. A copy will also be provided to the State Department of Libraries and Archives.

IV. Archaeological Investigations

- A. Provision will be made for the protection and/or recovery of any archaeological data that might be affected by the Project, in a manner that takes into account the ACHP's handbook, "Treatment of Archaeological Properties" and that is acceptable to the SHPO. If consultation with the SHPO determines there is a potential for significant archaeological sites within the Project impact area, the following procedures shall be undertaken and completed:
1. The FHWA will conduct Phase I and/or Phase II archaeological investigations of the Project area and submit a report of the findings to the SHPO for review and concurrence. These investigations and the subsequent reports will conform to the SHPO's most current Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports.
  2. If the investigations find archaeological sites that, in the opinion of the SHPO, are eligible for listing in the National Register of Historic Places, these will be avoided and preserved in place, wherever possible.
  3. Where avoidance is not possible, or if in the opinion of the SHPO there would be adverse impacts to eligible archaeological sites, the FHWA will, in consultation with the SHPO, develop a Research Design and Data Recovery Plan in conformance with the Secretary of the Interior's Standards for Archaeology and Historic Preservation Projects. The Research Design and Data Recovery Plan will be submitted to the SHPO for review and concurrence. Unless the SHPO comments or objects within thirty (30) days of receiving the research design and data recovery plan, the FHWA will implement the plan as soon as possible.
  4. Within ninety (90) days of completion of all elements of the Research Design and Data Recovery Plan, a report on the data recovery will be submitted to the SHPO for review and concurrence. The FHWA shall ensure that the report is prepared in accordance with the SHPO's most current Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports and the Secretary of the Interior's Standards for Archaeology and Historic Preservation Projects. Unless the SHPO comments, objects or requests a time extension within thirty (30) days of receiving the Plan, the Project may be advanced in a normal manner.
  5. The FHWA shall ensure that all materials and records resulting from the archaeological data recovery are curated in Kentucky in accordance with 36 CFR Part 79 at an institution acceptable to the SHPO.



**V. Professional Qualifications**

- A. The FHWA shall ensure that all historic preservation work undertaken and completed pursuant to this MOA is accomplished by or under the direct supervision of a preservation professional meeting the qualifications set forth in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. (48 FR 44716-42). The FHWA, through consultation with the SHPO, shall assure that the preservation professional selected to complete the work has been approved for such work by the SHPO.

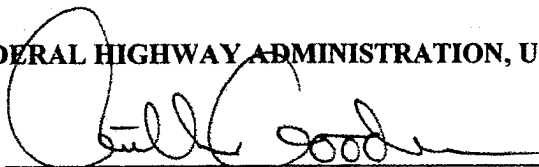
**VI. Resolution of Disagreements**

- A. Should the SHPO object within 30 days to any plans, specifications, reports or other actions submitted or undertaken pursuant to this Memorandum of Agreement; the FHWA shall consult with the SHPO to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request the further comments of the Advisory Council pursuant to 36 CFR 800.6(b). Any Advisory Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Memorandum of Agreement that are not the subjects of the dispute will remain unchanged

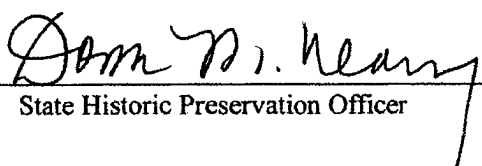
Page 6  
CR 1280 (Cedar Grove Road) Bridge  
Logan County, Kentucky  
Item No 3-1066.00

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Advisory Council an opportunity to comment on the Project and its effect on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

**FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION**


for BY:  8/21/07  
Kentucky Division Administrator Date

**KENTUCKY HERITAGE COUNCIL**

BY:  07/18/07  
State Historic Preservation Officer Date

**CONCURRING PARTIES:**

**KENTUCKY TRANSPORTATION CABINET**

BY:  7/10/07  
Bill Nighbert, Secretary, Kentucky Transportation Cabinet Date

**APPROVED AS TO FORM AND LEGALITY  
KENTUCKY TRANSPORTATION CABINET**

BY:  June 25, 2007  
General Counsel Date

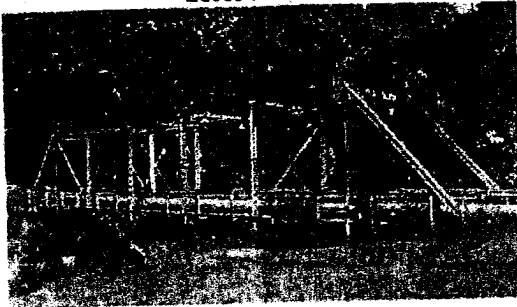
Page 7  
CR 1280 (Cedar Grove Road) Bridge  
Logan County, Kentucky  
Item No 3-1066.00

**ACCEPTED** for the  
**Advisory Council on Historic Preservation**

BY: \_\_\_\_\_ Date: \_\_\_\_\_

TITLE: \_\_\_\_\_

**Public Notice  
Historic Bridge Offered for  
Relocation**



In Fiscal Year 2007, the Federal Highway Administration (FHWA) and the Kentucky Transportation Cabinet (KYTC) will initiate construction of a replacement bridge on CR 1280 (Cedar Grove Road) over the Whippoorwill Creek in Logan County. The existing CR 1280 Bridge was constructed in 1910 and is a metal Pratt through truss 118 feet in length and 15.4 feet wide from curb to curb. The deck is 16.0 feet wide and the truss has seven sections 16.9 feet in length. It was determined eligible for the National Register of Historic Places by the Kentucky State Historic Preservation Officer (SHPO) in 2007.

In an effort to preserve this historic bridge, the FHWA and the KYTC in cooperation with the SHPO are seeking to locate a city, county or state government, SHPO-approved historic preservation organization or SHPO-approved individual entity, interested in having this bridge moved to a new site for preservation and reuse. If relocated to an appropriate setting, the bridge may still be eligible for the National Register.

If a recipient agency, organization or individual is found, the FHWA and KYTC will pay all expenses associated with match marking, disassembly, transportation to the new site, and off-loading of the bridge.

The recipient agency, organization or individual will be responsible for all costs associated with site preparation and re-assembly of the bridge. The recipient will also be responsible for any structural work require for the proposed use (e.g. new deck or replacement of members), liability and long-term maintenance, and any required permits. Any addition costs that the project might bear will be determined on a case-by-case basis. The recipient will keep intact the historic fabric of the bridge, making no alterations or modifications to it without the written consent of the SHPO. The bridge will be utilized for purposes consistent with its historic character and obtain SHPO approval prior to any alteration, modification or construction.

Before submitting a Letter of Interest and Proposal, any interested agency, organization or individuals are encouraged to contact the KYTC, Bowling Green District Office in order to obtain a bridge Marketing Brochure and bridge condition information. Bridge records and inspection reports are available and can be examined by appointment.

Letters of Interest and Proposals for this bridge will be accepted until sixty days after the date of publication. If no recipient is located or selected, the bridge will be documented to Historic American Engineering Record specifications and demolished as a part of the bridge replacement project. For more information, or to submit a written proposal, you may contact the following listed officer:

Renee Slaughter  
Environmental Coordinator  
Highway District 3  
900 Morgantown Road  
P.O. Box 599  
Bowling Green, Kentucky 42102

# MARKETING BROCHURE

## I. DESCRIPTION OF BRIDGE:

Logan County – In Fiscal Year 2007, the Federal Highway Administration (FHWA) and the Kentucky Transportation Cabinet (KYTC) will initiate construction of a replacement bridge on CR 1280 (Cedar Grove Road) over the Whippoorwill Creek in Logan County. The existing CR 1280 Bridge was constructed in 1910 and is a metal Pratt through truss 118 feet in length and 15.4 feet wide from curb to curb. The deck is 16.0 feet wide and the truss has seven sections 16.9 feet in length. It was determined eligible for the National Register of Historic Places by the Kentucky State Historic Preservation Officer (SHPO) in 2007. A complete description is available at the Department of Highways, District 3, Bowling Green Office.

## II. PRESERVATION OBLIGATIONS:

The Commonwealth of Kentucky shall:

KYTC agrees to pay the costs of relocating the bridge in the amount of which shall not exceed the estimated cost for demolition, associated with the relocation activities such as:

1. Match-mark and disassemble the bridge; and
2. Transport the disassembled bridge to the location of the Recipient; and
3. Off-load and stockpile the bridge at the new site.

If the bridge is relocated, the Recipient shall:

1. Reconstruct the bridge as it was originally; and
2. Complete the reconstruction within one year of receipt of all the elements of the disassembled bridge; and
3. Post a performance bond from a surety acceptable to the Commonwealth of Kentucky; and
4. Allow the Kentucky Heritage Council staff to make an archaeological assessment of the site where the bridge to be reconstructed; and
5. Maintain the relocated bridge for 20 years according to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (US Department of Interior, National Park Service, 1983); and
6. Allow public visitation to the bridge; and
7. Not object to the bridge being listed on the National Register of Historic Places; and
8. Pay all costs associated with reconstruction of the bridge; and
9. Advise the Secretary of Transportation when the bridge has been reconstructed.

## III. PROCEDURES FOR SUBMITTING PROPOSALS:

Interested governmental agencies, SHPO-approved private individuals, and SHPO-approved private organizations should submit, in writing, a proposal for preservation and reuse of the bridge. The proposal should be as complete as possible and should identify and describe the intended purpose of the bridge, the new site location, and source of funding for the bridge. Proposals must be submitted within the prescribe time period to:

Renee Slaughter  
Environmental Coordinator  
Highway District 3  
900 Morgantown Road  
P.O. Box 599  
Bowling Green, Kentucky 42102



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Kentucky Division Office  
Jose Sepulveda, Division Administrator

330 West Broadway  
Frankfort, KY 40601  
PH. (502) 223-6720  
FAX (502) 223-6735

August 6, 2007

Don L. Klima, Director  
Office of Planning and Review  
Advisory Council on Historic Preservation  
The Old Post Office Building  
1100 Pennsylvania Ave., NW, #809  
Washington, D.C. 20004

Dear Mr. Klima:

Pursuant to Section 36 CFR 800.6(a)(1), we hereby notify the Council of a determination of adverse effect on the Bridge over Whippoorwill Creek, project Item Number 3-1066.00, Logan County, Kentucky. Enclosed is a copy of the SHPO concurrence with a Determination of Adverse Effect identified in the Cultural Historic Survey. We concur with the SHPO's recommendation to consider this site eligible for the National Register of Historic Places, as well as their determination of adverse effect. Measures to avoid, minimize, or mitigate adverse effects will be developed and incorporated into a Memorandum of Agreement as the project process proceeds.

We are asking the Council if you would like to participate in the resolution of this adverse effect by replying to our office. If you have any questions, please do not hesitate to contact me at 502-223-6728 or email at [gregory.rawlings@fhwa.dot.gov](mailto:gregory.rawlings@fhwa.dot.gov).

Sincerely yours,

/signed/

Gregory D. Rawlings  
Environmental Specialist

cc: David Waldner (KYTC)

**MOVING THE  
AMERICAN  
ECONOMY**



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Ernie Fletcher**  
Governor

**Bill Nighbert**  
Secretary

**Marc Williams**  
Commissioner of Highways

May 24, 2007

Mr. Jose Sepulveda, Division Administrator  
Federal Highway Administration  
Region IV  
330 Broadway  
Frankfort, Kentucky 40601

Dear Mr. Sepulveda:

**SUBJECT: Determination of Adverse Effect on the Proposed Replacement  
Of the Bridge and Approaches on CR 1280 (Cedar Grove Road)  
Over Whippoorwill Creek  
Logan County, Kentucky  
Item Number: 3-1066.00**

Attached is a copy of the Cultural Historic Survey in which the Adverse Effect is identified along with a copy of the SHPO's Determination of Adverse Effect. We concur with the SHPO's recommendation to consider Site 1 (LO-89/Bridge) eligible for the National Register of Historic Places, as well as their determination of Adverse Effect. In accordance with 36 CFR 800.6(a)(1), please forward a copy to the Advisory Council on Historic Preservation (ACHP) for their review. Upon notification from the ACHP, please forward a copy of their notification letter to this division.

If you have any questions, contact Rebecca Turner or me at 502-564-7250.

Very truly yours,

David M. Waldner, P.E., Director  
Division of Environmental Analysis

c: R. Polly, R. Thomas, S. Schurman, R.H. Turner, D-3 (S. James, R. Slaughter)

**KENTUCKY TRANSPORTATION CABINET  
FOR  
KENTUCKY DIVISION  
FEDERAL HIGHWAY ADMINISTRATION  
PROGRAMMATIC SECTION 4(F) DETERMINATION AND APPROVAL  
UNDER THE  
NATIONWIDE PROGRAMMATIC SECTION 4(F) EVALUATION  
AND APPROVAL FOR FHWA PROJECTS THAT NECESSITATE  
THE USE OF HISTORIC BRIDGES**

Description/Location of Historic Bridge: CR 1280 (Cedar Grove Road) over Whipporwill Creek  
in Logan County, Kentucky, Item No. 3-1066.00

Consult the Nationwide Section 4(f) Evaluation (attached) as it relates to the following items. Any response in a box requires additional information prior to approval. This determination will be attached to the applicable CE or FONSI.

	YES	NO
1. Will the bridge be replaced with federal funds?	<u>  X  </u>	[   ]
2. Will the project require the "use" of a historic structure which is on or is eligible for listing of the National Register of Historic Places?	<u>  X  </u>	[   ]
3. Will the project impair the historic integrity of the bridge either by demolition or rehabilitation?	<u>  X  </u>	[   ]
4. Has the bridge been determined to be a National Historic Landmark?	[   ]	<u>  X  </u>

**Alternatives Considered:**

Consult the Nationwide Programmatic Section 4 (f) Evaluation for the generic reasons that might be address.

	YES	NO
1. All reasonable alternatives to avoid any use of the Historic bridge has been evaluated.	<u>  X  </u>	[   ]
2. The "Do Nothing" alternative has been studied and it has been determined for reasons of maintenance and safety not to be feasible and prudent?	<u>  X  </u>	[   ]



- |  | YES          | NO     |
|--|--------------|--------|
| 3. The build on new location without using the old bridge alternate has been studied and it has been determined for reasons of terrain, and/or adverse social, economic or environmental effects, and/or engineering and economy preservation of the old bridge, not to be feasible and prudent? | <u>  X  </u> | [    ] |
| 4. Rehabilitation of the existing bridge without affecting the historic integrity of the bridge has been studied and it has been determined for reasons of structural deficiency, and/or geometric that rehabilitation is not feasible and prudent?  | <u>  X  </u> | [    ] |

**Measures to Minimize Harm:**

- |   |              |        |
|---|--------------|--------|
| 1. The project includes all possible planning to minimize harm as the following apply?  | <u>  X  </u> | [    ] |
| 2. The existing bridge will be made available for an alternative use through a marketing process in accordance with an executed MOA for the project. Advertisements and marketing documents are attached.             | <u>  X  </u> | [    ] |
| 3. The FHWA and SHPO have reached agreement through the Section 106 process on the measures to minimize harm in the absence of a bridge relocation agreement. These are outlined in the executed MOA (copy attached). | <u>  X  </u> | [    ] |

**Determination and Approval:**

The project meets the applicability criteria set forth in the Nationwide Programmatic Section 4 (f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges dated July 5, 1983.

That all of the alternatives set forth in the Findings section of the above National Section 4(f) Evaluation have been fully evaluated. Based on those Findings, it is determined that there is no feasible and prudent alternative to the use of the historic CR 1280 (Cedar Grove Road) Bridge over Whippoorwill Creek in Logan County, Kentucky.

That the project complies with the Measures to Minimize Harm Section of the above Nationwide Section 4(f) Evaluation has been completed and agreement reached between the FHWA and SHPO.

Accordingly, the FHWA approves the proposed use of the historic CR 1280 (Cedar Grove Road) Bridge over Whippoorwill Creek in Logan County, Kentucky for the construction of a replacement bridge and approaches under the above Nationwide Section 4(f) Evaluation issued July 5, 1983.

8/2/2007  
Date

Approval

Gregory D Rawlings  
~~Area Engineer~~  
Transportation Specialist

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CR 1280 (Cedar Grove Road) Bridge  
Logan County, Kentucky  
Item No 3-1066.00

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Advisory Council an opportunity to comment on the Project and its effect on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

**FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION**

BY: \_\_\_\_\_ Date  
Kentucky Division Administrator

**KENTUCKY HERITAGE COUNCIL**

BY: Don M. Henry 07/18/07  
State Historic Preservation Officer Date

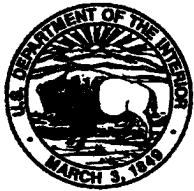
**CONCURRING PARTIES:**

**KENTUCKY TRANSPORTATION CABINET**

BY: Bill Nighbert 7/10/07  
Bill Nighbert, Secretary, Kentucky Transportation Cabinet Date

**APPROVED AS TO FORM AND LEGALITY  
KENTUCKY TRANSPORTATION CABINET**

BY: [Signature] June 25, 2007  
General Counsel Date



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Kentucky Ecological Services Field Office  
330 West Broadway, Suite 265  
Frankfort, Kentucky 40601  
(502) 695-0468

February 18, 2009

2009 FEB 19 AM 09:16

Mr. David Waldner  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, Kentucky 40622

Re: FWS 2008-B-0684; KYTC Item No. 3-1066, CR-1280 Bridge Replacement over Whippoorwill Creek; Logan County, Kentucky


Dear Mr. Waldner:

Fish and Wildlife Service (Service) personnel have reviewed the biological assessment and addendum dated October 31, 2008 regarding the gray bat, Indiana bat, littlewing pearly mussel, fanshell, ring pink, slabside pearly mussel, and fluted kidneyshell for the above referenced project proposal. Fish and Wildlife Service (Service) biologists have reviewed the additional information, and offer the following comments.

The biological assessment is adequate and supports the conclusion of "not likely to adversely affect" for the aforementioned species. Based on our review of the information, we concur with this determination. Please ensure that the minimization measures associated with gray bat foraging habitat, found within the addendum, are fully implemented. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

If you have any questions or if we can be of further assistance, please contact Phil DeGarmo at 502-695-0468 x110.

Sincerely,

for   
Virgil Lee Andrews, Jr.  
Field Supervisor

## **Best Management Practices To Be Used During Bridge Construction Over Whipoorwill Creek:**

Description of Work: Trees will be removed and ground will be stabilized using turf reinforment mats and rip rap. Ditches and sediment basins will be constructed. Excavation of pier footings will be dug, if necessary water will be pumped up to sediment basins. After bridge construction is completed the ground shall be stabized using rip rap and re-seeded where appropriate. The older bridge shall then be removed and the ground will be stabilized. This Cabinet has discussed creating a "no spray" zone so that trees and vegetation will be able to grow through the rip rap for a more natural appearance.

**Erosion Control Sheets.** Plans for highway construction projects will include erosion control sheets that depict Disturbed Drainage Areas (DDAs) and related information. These plan sheets will show the existing project conditions with areas delineated by DDA within the right of way limits, the discharge points and the areas that drain to each discharge point. Project managers and designers will analyze the DDAs and identify Best Management Practices (BMPs) that are site specific. These site specific BMPs are shown on the Erosion Control sheets. The balance of the standard BMPs for the project will be listed in the bid documents for selection and use by the contractor on the project with approval by the resident engineer.

Projects that do not have DDAs annotated on the erosion control sheets will employ the same concepts for development and managing BMP plans.

The following non-structural BMPs will be implemented throughout the project duration:

- Sediment control BMPs will be maintained when the sediment reaches 1/3 the depth of the BMP.
- Mulching equipment shall be available onsite.
- Mulching of disturbed areas shall be performed within 24 hours of the cessation of the land disturbing activity.
- Disturbed areas shall be stabilized prior to a rain event.
- EPSC/SWPPP inspections shall be performed at least twice a week and within 24 hours of a 0.5" or greater rain event.
- Land disturbing activities will not occur between December 1 and March 15.

**Annotations.** Following award of the contract, the contractor and resident engineer will annotate the erosion control sheets showing location and type of BMPs for each of the DDAs that will be disturbed at the outset of the project. This annotation will be accompanied by an order of work that reflects the order or sequence of major soil moving activities. The remaining DDAs are to be designated as "Do Not Disturb" until the contractor and resident engineer prepare the plan for BMPs to be employed. The initial BMPs shall be for the first phase (generally Clearing and Grubbing) and shall be modified as needed as the project changes phases. The BMP Plan will be modified to reflect disturbance in additional DDA's as the work progresses. All DDA's will have adequate BMPs in place before being disturbed.

**Disturbed Drainage Areas.** As DDAs are prepared for construction, the following will be addressed for the project as a whole or for each DDA as appropriate:

- A) Construction Access.** This is the first land-disturbing activity. As soon as construction begins, bare areas will be stabilized with temporary mulch and/or vegetation and a designated construction entrance will be installed.

**B) Sources.** At the beginning of the project, all DDAs for the project will be inspected for areas that are a source of storm water pollutants. Areas that are a source of pollutants will receive appropriate cover or BMPs to arrest the introduction of pollutants into storm water. Areas that have not been opened by the contractor will be inspected periodically (once per month) to determine if there is a need to employ BMPs to keep pollutants from entering storm water.

**C) Clearing and Grubbing.** The following BMPs will be considered and used where appropriate.

- 1) Leaving areas undisturbed when possible.
- 2) Silt Basins to provide silt volume for large areas.
- 3) Silt Traps Type A for small areas.
- 4) Silt Traps Type C in front of existing and drop inlets which are to be saved.
- 5) Diversion ditches to catch sheet runoff and carry it to basins or traps or to divert it around areas to be disturbed.
- 6) Brush and/or other barriers to slow and/or divert runoff.
- 7) Silt fences to catch sheet runoff on short slopes. For longer slopes, multiple rows of silt fence may be considered.
- 8) Temporary Mulch for areas which are not feasible for the fore mentioned types of protections.
- 9) Non-standard or innovative methods.

At the beginning of the clearing and grubbing, the Contractor will stabilize the Whippoorwill Creek banks per the Erosion Control sheets.

**D) Cut and Fill and Placement of Drainage Structures.** The BMP Plan will be modified to show additional BMPs such as:

- 1) Silt Traps Type B in ditches and/or drainways as they are completed.
- 2) Silt Traps Type C in front of pipes after they are placed.
- 3) Channel Lining
- 4) Erosion Control Blanket
- 5) Temporary Mulch and/or seeding for areas where construction activities will be ceased for one day or more.
- 6) Non-standard or innovative methods.

The Contractor will install the sediment basins per the Erosion Control sheets.

**E) Profile and X-Section in Place.** The BMP Plan will be modified to show elimination of BMPs which had to be removed and the addition of new BMPs as the roadway was shaped. Probable changes include:

- 1) Silt Trap Type A, Brush and/or other barriers, Temporary Mulch, and any other BMP which had to be removed for final grading to take place.
- 2) Additional Silt Traps Type B and Type C to be placed as final drainage patterns are put in place.
- 3) Additional Channel Lining and/or Erosion Control Blanket.
- 4) Temporary Mulch for areas where Permanent Seeding and Protection cannot be done within one day.

**F) Finish Work (Paving, Seeding, Protect, etc.).** A final BMP Plan will result from modifications during this phase of construction. Probable changes include:

- 1) Removal of Silt Traps Type B from ditches and drainways if they are protected with other BMPs which are sufficient to control erosion, i.e. Erosion Control Blanket or Permanent Seeding and Protection on moderate grades.
- 2) Permanent Seeding and Protection.
- 3) Placing Sod.
- 4) Planting trees and/or shrubs where they are included in the project.

**G) Post Construction.** BMPs including Storm Water Management Devices such as velocity dissipation devices and Karst policy BMPs to be installed during construction to control the pollutants in storm water discharges that will occur after construction has been completed are:

- Turf reinforcement mats: TRMs will be used in areas of concentrated flow within the project limits.
- Bank stabilization with live branches: The banks of Whippoorwill Creek will be stabilized by constructing a rock bank with live branches. The channel lining will provide short-term stabilization and the plantings will provide long-term stabilization.
- Enhanced silt trap: The flow from north of the new road and west of the bridge will be handled with a series of enhanced silt traps. These will be used to control grade, reduce velocity, and capture silt from headwaters before reaching Whippoorwill Creek.
- Infiltration trench: Runoff from north of the new road (both east and west of the creek) and south of the new road and east of the creek will be directed across a grass filter before entering an infiltration trench. The soils at the site appear to be adequately coarse to allow for this infiltration BMP.
- Dry detention basin: Runoff from south of the new road and east of the creek, as well as the bridge deck, will be handled with a dry detention basin. The water will temporarily pond before infiltrating and slowly draining to the creek through the outlet structure. The outlet structure will also contain an emergency overflow for larger rain events.

#### **OTHER CONTROL MEASURES.**

- 1) Solid Materials. No solid materials, including building materials, shall be discharged to waters of the Commonwealth, except as authorized by a Section 404 permit.
- 2) Waste Materials. All waste materials that may leach pollutants (paint and paint containers, caulk tubes, oil/grease containers, liquids of any kind, soluble materials, etc.) will be collected and stored in appropriate covered waste containers. Waste containers shall be removed from the project site on a sufficiently frequent basis as to not allow wastes to become a source of pollution. All personnel will be instructed regarding the correct procedure for waste disposal. Wastes will be disposed in accordance with appropriate regulations. Notices stating these practices will be posted in the office.
- 3) Hazardous Waste. All hazardous waste materials will be managed and disposed of in the manner specified by local or state regulation. The contractor shall notify the Resident Engineer if there are any hazardous wastes being generated at the project site and how these wastes are being managed. Site personnel will be instructed with regard to proper storage and handling of hazardous wastes when required. The Transportation Cabinet will file for generator, registration when appropriate, with the Division of Waste Management and advise the contractor regarding waste management requirements.
- 4) Spill Prevention. The following material management practices will be used to reduce the risk of spills or other exposure of materials and substances to the weather and/or runoff.

**Good Housekeeping.** The following good housekeeping practices will be followed onsite during the construction project.

- 1) An effort will be made to store only enough product required to do the job.
- 2) All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- 3) Products will be kept in their original containers with the original manufacturer's label.
- 4) Substances will not be mixed with one another unless recommended by the manufacturer.
- 5) Whenever possible, all of the product will be used up before disposing of the container.
- 6) Manufacturers' recommendations for proper use and disposal will be followed.
- 7) The site contractor will inspect daily to ensure proper use and disposal of materials onsite.

**Hazardous Products.** These practices will be used to reduce the risks associated with any and all hazardous materials.

- 1) Products will be kept in original containers unless they are not re-sealable.
- 2) Original labels and material safety data sheets (MSDS) will be reviewed and retained.
- 3) Contractor will follow procedures recommended by the manufacturer when handling hazardous materials.
- 4) If surplus product must be disposed of, manufacturers' or state/local recommended methods for proper disposal will be followed.

**The following product-specific practices will be followed onsite:**

- A) Petroleum Products.** Vehicles and equipment that are fueled and maintained on site will be monitored for leaks, and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products onsite will be stored in tightly sealed containers, which are clearly labeled and will be protected from exposure to weather.

The contractor shall prepare an Oil Pollution Spill Prevention Control and Countermeasure plan when the project that involves the storage of petroleum products in 55 gallon or larger containers with a total combined storage capacity of 1,320 gallons. This is a requirement of 40 CFR 112.

This project (will / will not) have over 1,320 gallons of petroleum products with a total capacity, sum of all containers 55 gallon capacity and larger.

- B) Fertilizers.** Fertilizers will be applied at rates prescribed by the contract, standard specifications or as directed by the resident engineer. Once applied, fertilizer will be covered with mulch or blankets or worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.
- C) Paints.** All containers will be tightly sealed and stored indoors or under roof when not being used. Excess paint or paint wash water will not be discharged to the drainage or storm sewer system but will be properly disposed of according to manufacturers' instructions or state and local regulations.
- D) Concrete Truck Washout.** Concrete truck mixers and chutes will not be washed on pavement, near storm drain inlets, or within 75 feet of any ditch, stream, wetland, lake, or sinkhole. Where possible, excess concrete and wash water will be discharged to areas prepared for pouring new concrete, flat areas to be paved that are away from ditches or drainage system features, or other locations that will not drain off site. Where this approach is not possible, a shallow earthen wash basin will be excavated away from ditches to receive the wash water.



**E) Spill Control Practices.** In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:

- 1) Manufacturers' recommended methods for spill cleanup will be clearly posted. All personnel will be made aware of procedures and the location of the information and cleanup supplies.
- 2) Materials and equipment necessary for spill cleanup will be kept in the material storage area. Equipment and materials will include as appropriate, brooms, dust pans, mops, rags, gloves, oil absorbents, sand, sawdust, and plastic and metal trash containers.
- 3) All spills will be cleaned up immediately after discovery.
- 4) The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- 5) Spills of toxic or hazardous material will be reported to the appropriate state/local agency as required by KRS 224 and applicable federal law.
- 6) The spill prevention plan will be adjusted as needed to prevent spills from reoccurring and improve spill response and cleanup.
- 7) Spills of products will be cleaned up promptly. Wastes from spill clean up will be disposed in accordance with appropriate regulations. Spills will be addressed in the "dry", and will not be "washed away" to clean.

**OTHER STATE AND LOCAL PLANS.** This BMP plan shall include any requirements specified in sediment and erosion control plans, storm water management plans or permits that have been approved by other state or local officials. Upon submittal of the NOI, other requirements for surface water protection are incorporated by reference into and are enforceable under this permit (even if they are not specifically included in this BMP plan). This provision does not apply to master or comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit issued for the construction site by state or local officials.

**MAINTENANCE.** The BMP plan shall include a clear description of the maintenance procedures necessary to keep the control measures in good and effective operating condition.

Maintenance of BMPs during construction shall be a result of twice a week and post rain event inspections with action being taken by the contractor to correct deficiencies within three business days.

Post-construction BMP maintenance will be a function of normal highway maintenance operations. Following final project acceptance by the cabinet, district highway crews will be responsible for identification and correction of deficiencies regarding ground cover and cleaning of storm water BMPs. Post-construction BMP maintenance will be covered in the Cabinet's SMS4 permit under MCM 5 activities.

**INSPECTIONS.** Inspection and maintenance practices that will be used to maintain erosion and sediment controls include the following:

- 1) All erosion prevention and sediment control measures will be inspected by the Contractor at least twice each week and within 24 hours of any rain event of one-half inch or more.
- 2) Inspections will be conducted by individuals that have received Kentucky Erosion Prevention and Sediment Control (KEPSC) training or other qualification as prescribed by the Cabinet that includes instruction relating to erosion prevention and sediment control.
- 3) Inspection reports will be written, signed, dated, and kept on file.
- 4) Mulching of disturbed areas shall be performed within 24 hours of the cessation of the land disturbing activity.

- 5) Disturbed areas shall be stabilized prior to a rain event.
- 6) Sediment control BMPs will be maintained when the sediment reaches 1/3 the depth of the BMP.
- 7) All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of being reported and completed within three days.
- 8) Silt fences will be inspected for bypassing, overtopping, undercutting, depth of sediment, tears, and to ensure attachment to secure posts.
- 9) Diversion dikes and berms will be inspected and any breaches promptly repaired. Areas that are eroding or scouring will be repaired and re-seeded / mulched as needed.
- 10) Temporary and permanent seeding and mulching will be inspected for bare spots, washouts, and healthy growth. Bare or eroded areas will be repaired as needed.
- 11) All material storage and equipment servicing areas that involve the management of bulk liquids, fuels, and bulk solids will be inspected weekly for conditions that represent a release or possible release of pollutants to the environment.

**NON-STORM WATER DISCHARGES.** It is expected that non-storm water discharges may occur from the site during the construction period. Examples of non-storm water discharges include:

- 1) Water from water line flushings.
- 2) Water from cleaning concrete trucks and equipment.
- 3) Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred).
- 4) Uncontaminated groundwater and rain water (from dewatering during excavation).

All non-storm water discharges will be directed to one of the sediment basins or to a filter fence enclosure in a flat vegetated infiltration area or be filtered via another approved commercial product.

#### **GROUNDWATER PROTECTION PLAN.**

This plan serves as the groundwater protection plan as required by 401 KAR 5:037.

Contractor's statement:

The following activities, as enumerated by 401 KAR 5:037 Section 2, require the preparation and implementation of a groundwater protection plan, and will or may be conducted as part of this construction project:

\_\_\_\_\_ (e) Land treatment or land disposal of a pollutant;

\_\_\_\_\_ (f) Storing, treating, disposing, or related handling of hazardous waste, solid waste or special waste, or special waste in landfills, incinerators, surface impoundments, tanks, drums, or other containers, or in piles, (This does not include wastes managed in a container placed for collection and removal of municipal solid waste for disposal off site);

\_\_\_\_\_ (g) Handling of materials in bulk quantities (equal or greater than 55 gallons or 100 pounds net dry weight transported held in an individual container) that, if released to the environment, would be a pollutant;

\_\_\_\_\_ (j) Storing or related handling of road oils, dust suppressants, or deicing agents at a central location;

\_\_\_\_\_ (k) Application or related handling of road oils, dust suppressants or deicing materials, (does not include use of chloride-based deicing materials applied to roads or parking lots);

\_\_\_\_\_ (m) Installation, construction, operation, or abandonment of wells, bore holes, or core holes, (this does not include bore holes for the purpose of explosive demolition);

Or, check the following only if there are no qualifying activities

\_\_\_\_\_ There are no activities for this project as listed in 401 KAR 5:037 Section 2 that require the preparation and implementation of a groundwater protection plan.

The Contractor is responsible for the preparation of a plan that addresses the 401 KAR 5:037 Section 3.

Elements of a site specific groundwater protection plan include:

- (a) General information about the project: provided in the Project information;
- (b) Activities that require a groundwater protection plan: identified above;
- (c) Practices that will protect groundwater from pollution: provided in Section 3 – Other Control Measures.
- (d) Implementation schedule – all practices required to prevent pollution of groundwater are to be in place prior to conducting the activity;
- (e) Training: all employees of the contractor, sub-contractor and construction inspection personnel will be trained to understand the nature and requirements of this plan as they pertain to their job function(s). Training will be accomplished within one week of employment and annually thereafter. A record of training will be maintained by the contractor with a copy provide to the resident engineer.
- (f) Groundwater plan activities will be inspected during the EPSC inspections.
- (g) Certification (see signature page.)

### **Design Storms**

EPSC BMPs will be designed to properly function at a 2-year/24-hour design storm.

### **Enhanced/Site Specific BMPs**

The following enhanced/site specific EPSC BMPs will be utilized on this project. These BMPs include both structural and non-structural measures. The structural BMPs are shown on the Plan drawings, contained in Attachment A, and are described in the 2008 Standard Specifications.

#### Structural

- Sediment basins: designed to hold a 2-year/24-hour storm.
- Streambank stabilization: the existing left streambank along the Whippoorwill Creek within the project site is steep and unstable. Though the existing right streambank is stable, the concern is that the right streambank will become unstable as the bridge pier is installed. Therefore, the banks will be stabilized using a rock bank. This work will be required at the outset of the project.
- Sediment control BMPs will be maintained when the sediment reaches 1/3 the depth of the BMP.

#### Non-structural

- Mulching equipment will be available onsite.
- Mulching of disturbed areas shall be performed within 24 hours of the cessation of the land disturbing activity.
- Disturbed areas shall be stabilized prior to a rain event.
- EPSC/SWPPP inspections will be performed at least twice a week and within 24 hours of a 0.5" or greater rain event.
- Land disturbing activities will not occur between December 1 and March 15.

REVIEWED BY \_\_\_\_\_  
DIVISION OF CONSTRUCTION

	NO. SETS	DATE
RECORD PLANS		
CONSTRUCTION PLANS		

[illegible]

**SHEETS NOT INCLUDED IN TOTAL SHEETS**

R20, R2D, R2C, R2d, R80 - R8E

## STANDARD DRAWINGS

R8B-001-07	RD-010-05
R8C-000-09	RD-006-04
R8C-002-01	RD-030-04
R8C-003-01	RD-220-04
R8D-001-05	RD-225
R81-002-06	RD-230
R8B-001-01	RS-000-04
R8B-005-04	RC-020
R8B-010-05	RC-001-01
R8B-015-04	RC-010-04
R8B-016-04	RC-000-04
R8B-050-05	RP49-100-04
RCP-001-05	T10-100-04
RD-003-04	

## DESIGN CRITERIA

[illegible]

**DESIGNED**

[illegible]

BEGIN PROJECT  
STA. 9+36

**BEFORE YOU DIG**

CALL 1-800-752-6007 TO FILE A MINIMUM OF TWO AND NO MORE THAN TEN REQUESTS PRIOR TO EXCAVATION FOR INFORMATION ON THE LOCATION OF EXISTING UNDERGROUND UTILITIES WHICH SUBS CRIBE TO THE BEFORE-DIG-AND-SERVICE. COORDINATE EXCAVATION WITH ALL UTILITY OWNERS, INCLUDING THOSE WHO DO NOT CONTRIBUTE TO BLDG. STOP AND UTILITIES AND A CONTACT PERSON FOR EACH COMPANY ON SHEET NO. 3 OF THE PLANS.

## LAYOUT MAP



120 X 29 (26) FLOWY POI BEAN  
BRIDOT & O' SKEW

20250

Commonwealth of Kentucky  
DEPARTMENT OF HIGHWAYS

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PLANS OF  
PROPOSED PROJECT  
LOGAN COUNTY  
BRZ. 0303. 225

CR5280 OVER WHIPPOORWILL CREEK

BRZ-0303-225

CR5280 OVER WHIPPOORWILL CREEK

**PROPOSED PROJECT  
LOGAN COUNTY**

## PLANS OF

**Commonwealth of Kentucky  
DEPARTMENT OF HIGHWAYS**

**Commonwealth of Kentucky  
DEPARTMENT OF HIGHWAYS  
COUNTY OF**

**LOGAN**

CEDAR GROVE RD. - CR 5280

ITEM NO. 3:000  
E053 071 5290-001 - 002

082-020-67

PROJECT MANAGER

PLAN APPROVED BY: STATE MICHIGAN



PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

### CONVENTIONAL SIGNS

2000  
 2001  
 2002

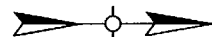
東京・五反田

**UTAH'S TEST MODEL**

100-45686



**BH**  
S.F. SPIN IN RAIL OF  
MILWAUKEE DIVISION 99-0-92



COUNTY OF	ITEM NO.	SHEET NO.
LOGAN	3-1066	83.

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P: Sto 18+15, 75
Deito 51+12, 39
T 222.84
L 415.62
R 465.00
E 50.64
emax = 8.0%
e = 8.0%
Runoff = See
Runout = See
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**SCALE: 1-5**

Commonwealth of Kentucky  
DEPARTMENT OF HIGHWAYS  
COUNTY OF

**LOGAN**

CEDAR GROVE ROAD - CR5280

NUMBERS: 087-0903-225

-MAINLINE-PLAN-SHEET

C:\PW\Work\kdm82435\RD0400PR.DGN 4/20/2009 9:28:09 AM

USER: \*\*\*\*\*  
DATE: \*\*\*\*\*  
FILE NAME: \*\*\*\*\*designs\file\specification\*\*\*\*  
E-SHEET NAME: \*\*\*\*\*

PREPARED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

